

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

---

UNITED STATES OF AMERICA

v.

AIDEN DAVIDSON,  
Defendant.

---

Case No. 1:18-mj-00157-AJ-1

**DEFENDANT'S MOTION TO RECONSIDER ORDER GRANTING MOTION TO  
AMEND RELEASE ORDER TO REQUIRE GPS MONITORING**

Defendant Aiden Davidson respectfully files this motion to reconsider this Honorable Court's order granting the government's October 2, 2018 Motion to Amend Release Order to Require GPS Monitoring. Although Defendant, through counsel, initially assented to the government's motion, counsel had not been informed, and was thus not aware, the GPS device included loud audio commands and alerts. Consequently, Defendant now withdraws his assent to the government's motion.

1. On October 2, 2018, the government filed a motion seeking to amend the Release Order to require GPS monitoring, instead of radio frequency monitoring, because the government believes GPS technology will be more effective. Dkt. 9. The government stated that radio frequency monitoring was initially required based on the mistaken belief that GPS monitoring is not available in the Western District of Tennessee, in which Defendant resides.

2. In light of Defendant's assent, this Honorable Court granted the government's motion on the same day, October 2.

3. Defendant, through counsel, initially assented to GPS monitoring based counsel's understanding that it would be essentially the same as radio frequency monitoring. Counsel had

not been informed, and was thus not aware, the GPS device included loud audio commands and alerts. However, Defendant and counsel now understand that GPS monitoring device is a far more onerous method of tracking due to the audio alert component, which effectively amounts to punishment prior to adjudication.

4. Unlike the radio frequency device, the GPS monitoring device has an auditory component that issues various alerts or commands, such as alerts indicating low battery. A detained person has no ability to avoid or anticipate such alerts. Consequently, the voice commands and alerts present a likelihood of unnecessary public humiliation not associated with the radio frequency monitor.

5. In Defendant's case, a radio frequency device is adequate to monitor his whereabouts, and it does not involve a penal component. Defendant therefore withdraws his assent and objects to the government's GPS monitoring request. Accordingly, the Defendant respectfully submits that this Honorable Court should reconsider its prior order and deny the government's motion.

6. Pursuant to Local Rule 7.1(a)(2), counsel respectfully submits that no supporting memorandum of law is necessary in order for the Court to rule on this motion.

WHEREFORE, Defendant respectfully requests that this Honorable Court issue an Order:

- A. Reconsidering the Court's October 2, 2018 order granting and denying the government's Motion to Amend Release Order to Require GPS Monitoring; and
- B. Granting such other relief as is just and proper.

Respectfully submitted,

AIDEN DAVIDSON

By his attorneys,

Dated: October 5, 2018

/s/ Michael J. Connolly

Michael J. Connolly, Esq. (#14371)

Jamie S. Myers, Esq. (#266227)

Hinckley, Allen & Snyder LLP

650 Elm Street

Manchester, NH 03101

Ph. (603) 225-4334

mconnolly@hinckleyallen.com

jmyers@hinckleyallen.com

**CERTIFICATE OF SERVICE**

I hereby certify that on the above date a copy of the foregoing has been forwarded to all counsel of record by ECF.

/s/ Michael J. Connolly

Michael J. Connolly, Esq.

#58140902